

**SCANNED**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FRANK VALENCIA

Write the full name of each plaintiff.

**19 CV 548**  
No. \_\_\_\_\_  
(To be filled out by Clerk's Office)

-against-

(1) The City of Yonkers; (2) Yonkers

Police Captain Andrew Lane R/C 900; (3)

Yonkers Police Officer Moran; (4) Yonkers

Police Officer BOHAN; (5) Yonkers Police Officer Moore

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

**COMPLAINT**  
(Prisoner)

Do you want a jury trial?

☒ Yes ☐ No

2019 JAN 18 AM 11:55

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CLERK OF COURT  
SOUTHERN DISTRICT OF NEW YORK

**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

CONTINUED DEFENDANTS

(6) Yonkers Police Officer Spink; (7) Yonkers Police Officer Moriano; (8) Yonkers Police Officer Blute; (9) Yonkers Police Officer Scannapieco; (10) Yonkers Police Officer Rubin; and (11) Yonkers Police Sergeant Jared Singer.

**I. LEGAL BASIS FOR CLAIM**

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☐ Other: \_\_\_\_\_

**II. PLAINTIFF INFORMATION**

Each plaintiff must provide the following information. Attach additional pages if necessary.

Frank		Valencia
First Name	Middle Initial	Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit: \_\_\_\_\_

0000250213

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

Westchester County D.O.C.

Current Place of Detention

P.O. BOX 10

Institutional Address

Westchester, Valhalla,	New York	10595
County, City	State	Zip Code

**III. PRISONER STATUS**

Indicate below whether you are a prisoner or other confined person:

☒ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☐ Convicted and sentenced prisoner

☐ Other: \_\_\_\_\_

#### IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1: The City of Yonkers

First Name	Last Name	Shield #
City of Yonkers		
Current Job Title (or other identifying information)		
40 South Broadway, Rm 300		
Current Work Address		
Westchester, Yonkers, New York		10701
County, City	State	Zip Code

Defendant 2: Andrew Lane

First Name	Last Name	Shield #
Yonkers Police Captain		
Current Job Title (or other identifying information)		
104 South Broadway		
Current Work Address		
Westchester, Yonkers, New York		10701
County, City	State	Zip Code

Defendant 3:

Yonkers Police Officer Moran		
First Name	Last Name	Shield #
Police Officer		
Current Job Title (or other identifying information)		
104 South Broadway		
Current Work Address		
Westchester, Yonkers, New York		10701
County, City	State	Zip Code

Defendant 4:

Yonkers Police Officer BOHAN		
First Name	Last Name	Shield #
Yonkers Police Officer		
Current Job Title (or other identifying information)		
104 South Broadway		
Current Work Address		
Westchester, Yonkers, New York		10701
County, City	State	Zip Code

DEFENDANTS NAMES AND ADDRESSES

5. Yonkers Police Officer Moore; 104 South Broadway, Yonkers, NY 10701.
6. Yonkers Police Officer Spink; 104 South Broadway, Yonkers, NY 10701.
7. Yonkers Police Officer Moriano; 104 South Broadway, Yonkers, NY 10701.
8. Yonkers Police Officer Blute; 104 South Broadway, Yonkers, NY 10701.
9. Yonkers Police Officer Scannapieco; 104 South Broadway, NY 10701.
10. Yonkers Police Officer Rubin; 104 South Broadway, NY 10701.
11. Yonkers Police Sergeant Jared Singer; 104 South Broadway, Yonkers, NY 10701

V. STATEMENT OF CLAIM

Place(s) of occurrence: City of Yonkers

Date(s) of occurrence: September 26, 2017

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

Plaintiff states, that on the above date while in the City of Yonkers near Marshal Road and Ridge Dr. I was approached while sitting in my friends vehicle by Defendant Moore and Yonkers Police Officer Kayla Maher, who directed me to exit my friends vehicle, and get my hand out of my bag, but I was petrified of these Police Officer, as most of the people who I know that were arrested by Yonkers Police Officers are always beat up. I then did something stupid, I removed my gun from my bag and began to fire the weapon. I grazed Police Officer Maher in the face, and she began to run away with Defendant Moore. However, the above defendants arrived, and began to fire their weapons at me too. I was shot 6 times, and I surrendered, by tossing my weapon out of the window. The officers, then tossed a Flash-bang and approached the vehicle, that I was sitting in in a stacked fashion. Defendant Lane, then opened the door, pulled me to ground (face-up) and hand cuffed me. I was surrounded by all of the above defendants when I over heard defendant Lane state "Who was to do the honors and shoot this spic?" Defendant Lane then commenced to stomp my face, and head while the other defendants began to kick and stomp my head while saying "you

shot Kayla you fucking spic" I then went unconscious from blood loss. After I awoke, and examined my injuries I noticed, that the above defendants had caused me several fractures to my face, jaw, and inner mouth, Loss of tooth and a large portion my gums had to be removed. The above defendants then misrepresented that those injuries were caused by a gunshot wound, but those claims are practically impossible.

The above defendants retaliated against me for shooting Police Officer Maher, and shooting at them, by using excessive force.----- See Attached-----  
INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Fractured face bones, Fractured inner mouth bones, that punctured through roof of my mouth, loss of front tooth, and loss of portion of gums, unnecessary pain and suffering severe bruising, mental anguish.

## VI. RELIEF

State briefly what money damages or other relief you want the court to order.

Compensatory damages in the amount of \$10,000,000.00 against all defendants jointly and severally;

Punitive Damages against all defendants in the amount of \$50,000,000.00 against all defendants jointly and severally;

Cost and disbursements;

Special damages as a jury may determine.

The City of Yonkers, fails to properly train and supervise its police officers as to the application of physical force, and they fail to intervene or act to prevent further unnecessary use of physical force.



# VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

Dated 1/14/2019  
Frank Plaintiff's Signature Frank Valencia  
 First Name Middle Initial Last Name  
250213 P.O. Box 10  
 Prison Address  
Valhalla NY 10595  
 County, City State Zip Code

Date on which I am delivering this complaint to prison authorities for mailing: 1/14/2019



Frank Valencia  
JID 250213  
P.O. BOX 10  
Valhalla, New York 10595



United States District Court  
Southern District of New York  
Attn: Pro Se Clerk  
500 Pearl Street  
New York, New York 10007

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SDNY PRO SE OFFICE  
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( "LEGAL MAIL" )

